

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	CIVIL ACTION NO: 2021-CP-23-____
)	
BRENDA GAIL PRATHER,)	
)	
Plaintiff,)	
)	SUMMONS
vs.)	
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	
_____)	_____

TO: DEFENDANT WAL-MART STORES EAST, LP:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action of which a copy is herewith served upon you, and to serve a copy of your Answer on the subscribers at their offices at, 1225 South Church Street, Greenville, South Carolina, 20605, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

Respectfully submitted,

/s/ Perry DeLoach
Perry B. DeLoach, Jr. (SC Bar No. 74069)
The Law Offices of Perry B. DeLoach, Jr., LLC
1225 South Church Street
Greenville, South Carolina 29605
(864) 520-1101 (o)
(864) 520-1103 (f)
perry@deloachlawoffices.com

Attorney for Plaintiff

July 6, 2021
Greenville, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)	CIVIL ACTION NO: 2021-CP-23-____
)	
BRENDA GAIL PRATHER,)	
)	
Plaintiff,)	
)	COMPLAINT
vs.)	(Jury Trial Requested)
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	
_____)	_____

PARTIES AND JURISDICTION

1. Plaintiff Brenda Gail Prather is a citizen and resident of Greenville County, South Carolina.
2. The incident giving rise to this action occurred in Greenville County, South Carolina.
3. Defendant Wal-Mart East, LP, is a limited partnership organized and existing in the state of Arkansas that conducts business in Greenville County, South Carolina.
4. This Court has personal jurisdiction over the parties and subject matter jurisdiction over the issues herein.

BACKGROUND

5. On or about May 2, 2021, at approximately 11:00 a.m., Brenda Gail Prather ("Plaintiff"), went to the Wal-Mart Supercenter located at 6134 White Horse Road, Greenville, South Carolina, 29611 ("Wal-Mart") to meet her sister for lunch.
6. Upon information and belief, Wal-Mart Stores East, LP, ("Defendant") owns and/or operates the Wal-Mart.
7. Plaintiff walked from the entrance of the Wal-Mart to the entrance of the Subway

restaurant that is located inside the Wal-Mart to see if her sister had arrived yet. When she did not see her, she turned around and began walking back towards the entrance of the Wal-Mart. Upon information and belief, as Plaintiff was walking back towards the entrance of the Wal-Mart, Plaintiff slipped on some type of paper material ("Paper Material") and fell to the floor ("Plaintiff's Fall"). Upon information and belief, the Paper Material was lying directly in a walkway just outside the Subway restaurant inside the Wal-Mart ("Walkway").

8. Upon information and belief, there were no signs cautioning or warning persons of materials or any kind that might be lying in the Walkway.

9. Plaintiff suffered severe injuries as a direct result of Plaintiff's Fall.

FOR A FIRST CAUSE OF ACTION AS TO ALL DEFENDANT
(NEGLIGENCE/GROSS NEGLIGENCE)

10. Plaintiff repeats and realleges each and every allegation contained in the above paragraphs as if repeated hereinafter verbatim.

11. Defendant was negligent, grossly negligent, careless, wanton, and willful in the times and places mentioned above, and acted with reckless disregard for Plaintiff, in the following ways:

- a. In, upon information and belief, allowing the Paper Material to remain in the Walkway;
- b. In, upon information and belief, not placing caution and/or warning signs around the Paper Material;
- c. In, upon information and belief, not placing barricades around the Paper Material;
- d. In, upon information and belief, failing to properly inspect walkways in the Wal-Mart;

- e. In, upon information and belief, failing to remove potential hazards that could cause serious harm;
- f. In, upon information and belief, failing to exercise reasonable degree of care that was required for the safety of all persons;
- g. In, upon information and belief, failing to otherwise maintain a good and safe environment for all persons;
- h. In such other and further particulars as the evidence at trial will show;

all of which were the direct and proximate cause of the damages suffered by Plaintiff herein, and said acts being in violation of the dictates of ordinary prudence.

12. Defendant had a duty of care with respect to Plaintiff.

13. Defendants breached the duty of care owed Plaintiff by acting in a negligent, grossly negligent, careless, wanton, and willful manner and by acting with reckless disregard for Plaintiff's safety.

14. Defendant's conduct, as set forth above, was the proximate cause of Plaintiff's damages including, but not limited to, the serious injuries that Plaintiff sustained.

15. As a direct result of the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness on the part of Defendant, as aforesaid, Plaintiff has suffered damages and, based on Defendant's egregious conduct, is entitled to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

- a) For actual or compensatory damages and punitive damages to be determined by the trier of fact as to the First Cause of Action;
- b) For attorney's fees and costs in this matter;
- c) For such other and further relief that this Court deems just and proper;

d) For a trial by jury.

Respectfully submitted,

/s/ Perry DeLoach

Perry B. DeLoach, Jr. (SC Bar No. 74069)
The Law Offices of Perry B. DeLoach, Jr., LLC
1225 South Church Street
Greenville, South Carolina 29605
(864) 520-1101 (o)
(864) 520-1103 (f)
perry@deloachlawoffices.com

Attorney for Plaintiff

July 6, 2021
Greenville, South Carolina